

## ADVISORY NO. 30

TOPIC: LATE SETTINGS

We are preparing a computer program which will automatically monitor all late settings and produce a letter requesting settings in accordance with the rules. The letter will go to each TWCC office manager, with a copy to you, and state as follows:

"The above setting was received in our office on  
, 199\_\_."

"Late settings do not give our clients sufficient time to prepare a file, transmit any required documents and notify or confer with the employer."

"We request at least 30 days notice. Sufficient time to respond will improve the quality of the old and new systems and will reduce the need for resets. We are receiving many complaints from employers regarding late settings."

One big problem is that the rules allow for expedited hearings if compensation is not being paid. The various commission offices interpret the notice requirement to mean that the notice has to be typed in their offices at least 10 days before the hearing. When the notice is actually mailed and received is not a factor. We often get 3 or 4 days notice and we fax the notice the day received.

You should not compound this problem by requesting an expedited hearing unless there is a need for the expedited hearing. Leave it to the normal 35-day set process. The exchange of documents becomes nearly impossible. We hope to have relief in this area when the commission rewrites the existing rule.

We expect some flak from the commission over computer tracking of setting deficiencies, but we see no other way to solve the problem since so many new people are involved in the setting process. We ask for your support and if you have special problems with late settings, a description of the difficulty forwarded to us would be useful when we present data for rule change.

We are seeing many instances where your request for BRCs are being ignored for one reason or another. Diary your file and, if you have not received a set notice within 21 days from the date of your request, copy the request and mail it again to the D.D.O. and to us. We will also trace when we are in the various commission offices. Also, medical examination order requests are being ignored in some areas of the state. Keep any M.E.O. request on a short 21-day diary.